

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IRMA MENDEZ,

Plaintiff,

vs.

FIESTA DEL NORTE HOME OWNERS  
ASSOCIATION, et al.,

Defendants.

Case No. 2:15-cv-00314-RCJ-NJK

ORDER

(Docket No. 97)

Pending before the Court is Plaintiff Irma Mendez's fourth motion for the issuance of a subpoena. Docket No. 97. For the reasons discussed below, Plaintiff's motion is hereby **GRANTED**.

Rule 45 of the Federal Rules of Civil Procedure governs the issuance of subpoenas to non-parties. Such subpoenas may issue from the Court, signed by the Court Clerk or an attorney authorized to practice before the Court. Fed. R. Civ. P. 45(a)(3). *Pro se* litigants need the Court Clerk to issue a subpoena. *Alcon v. Bright*, 2015 WL 5559896, at \*2 (N.D. Cal. Sept. 18, 2015). In accordance with Rule 45(a)(3), "[t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it[, and ] that party must complete it before service." Fed. R. Civ. P. 45(a)(3).

Here, Plaintiff seeks to subpoena one non-party: Michele Shafer. Docket No. 97 at 7. Accordingly, the Court "will grant [Plaintiff's] request [for issuance of a subpoena] and direct the Clerk of Court to issue the subpoena in blank and [send] it to Plaintiff to fill out." *Banks v. Joyce*, 2014 WL 7330938, at \*1 (D. Nev. Dec. 19, 2014) (Leen, M.J.). "This practice is not uncommon in this district." *Antonetti v. Neven*, 2014 WL 1089661, at \*2 (D. Nev. Mar. 18, 2014) (citing *McCurdy v. N. Las Vegas*

1 *Officer Johnson*, No. 08-cv-1767-JAD-PAL (Docket No. 84 at 5-6) (D. Nev. Aug. 23, 2013) (Leen,  
 2 M.J.) (ordering the Clerk of Court to “issue a subpoena duces tecum and send it to the Plaintiff who shall  
 3 describe the documents he is requesting and serve it on [opposing] counsel”). Plaintiff is advised that  
 4 she must comply fully with Rule 45. *Banks*, 2014 WL 7330938, at \*1 (D. Nev. Dec. 19, 2014) (telling  
 5 *pro se* Plaintiff to carefully read the same).<sup>1</sup>

6 In her motion, Plaintiff makes numerous allegations against numerous people that are irrelevant  
 7 to her request for a subpoena. The Court ADMONISHES Plaintiff and ORDERS that the motions she  
 8 files must be carefully crafted to request the relief she seeks, and only the relief she seeks. Any  
 9 violations of this order in the future may subject Plaintiff to sanctions.

10 IT IS SO ORDERED:

- 11 1. Plaintiff’s motion (Docket No. 97) is **GRANTED** to the extent that the Clerk of Court  
 12 shall issue a blank subpoena on form AO 88A, and mail it to Plaintiff.
- 13 2. To the extent Plaintiff requests any relief other than the issuance of a blank subpoena,  
 14 that request is **DENIED**.

15 DATED: February 3, 2016.

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 19 NANCY J. KOPPE  
 20 United States Magistrate Judge  
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 27 <sup>1</sup>The Court expresses no opinion as to whether the subpoena requested is appropriate and/or timely.  
 28 Nothing in this shall order be construed as preventing the subpoena recipient from filing any motions she  
 deems appropriate.